

REMARKS

Claims 35-47 remain pending in the application including independent claim 35. Claims 1-34 have been cancelled. The amendment to claim 47 is not related to any rejection or objection set forth in the subject official action. Claim 47 has solely been amended to correct a typographical error.

A substitute specification is being submitted with the subject amendment. The substitute specification is being submitted because the original specification, as filed, had improperly numbered paragraphs. The substitute specification includes revisions at paragraphs [43], [54], [57], [65], and [68]. These revisions are not related to any objections or rejections set forth in the subject official action. These paragraphs have solely been revised to provide consistent terminology throughout the specification.

Claims 35-47 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gagnon (US 5865463) in view of Steffens (US 6282473).

The examiner argues that Gagnon discloses the claimed invention except for the determination of occupant's center of gravity. Applicant respectfully disagrees.

Claim 35 recites: a rigid member attached to only one of the male or female members of the seat belt assembly wherein the rigid member has a first end for supporting a seat belt portion and a second end integrally formed with the first end for attachment to a vehicle structure; and at least one seat belt force sensor mounted on the rigid member between the first and second ends for measuring a force exerted on the rigid member by a tension force applied to the seat belt portion.

Gagnon does not disclose, suggest, or teach this configuration. None of the figures in Gagnon disclose this feature. In fact, none of the figures even shows a seat belt, let alone showing a seat belt force sensor mounted to a rigid member as defined in claim 35. Further,

the section of Gagnon to which the examiner refers does mention measuring seat belt tension, but does not describe a rigid member with a seat belt force sensor as defined in claim 35.

Thus, Gagnon does not disclose all of the claimed features of the invention. Steffens also does not disclose, suggest, or teach a rigid member and seat belt force sensor as set forth in claim 35.

Even assuming, *arguendo*, that the examiner's argument has merit, there is no motivation or suggestion to modify Gagnon with Steffens. The examiner argues that it would be obvious to modify Gagnon with the teachings of Steffens to "give better control over the amount of airbag inflation." Applicant respectfully disagrees.

The examiner has pointed to no teaching in Steffens of any particular benefit to using the Steffens center of gravity determination in Gagnon, i.e. there is no teaching in Steffens that indicates determining center of gravity improves airbag control. In addition, there is nothing in Gagnon that would have led one of ordinary skill in the art to believe that Gagnon's system was in any way deficient for Gagnon's purposes or was in need of modification. One of ordinary skill in the art would have found no reason, suggestion, or incentive for attempting to combine these references so as to arrive at the subject matter of claim 35 other than through the luxury of hindsight accorded one who first viewed applicant's disclosure.

Finally, the examiner has ignored all of the dependent claims, i.e. the examiner has not provided any arguments indicating where the features of claims 36-47 are disclosed or taught within the recited references. The examiner has merely stated that "the exact location of the strain gage force sensors on the seat frame stated in some of the dependent claims would dictated by the construction of the seat frame and does not seem to be a patentable difference." Applicant strongly objects to this characterization of the dependent claims.

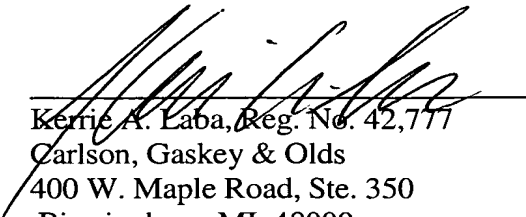
The only dependent claim that mentions a seat frame is claim 36. Thus, the examiner's argument with regard to the dependent claims only appears to be relevant to claim 36, but does not even address any of the specific claimed features of claim 36. The examiner has simply not provided a *prima facie* case of obviousness for claims 36-47.

Please note that the rigid member, as set forth in claim 35, is attached to the seat belt assembly. The specific configuration of the rigid member is further defined in claims 37-44. The examiner's comment with regard to the dependent claims seems to be directed at the weight sensors and thus has nothing to do with the structure of the rigid member and seat belt force sensor for measuring seat belt tension.

If the examiner continues to uphold this rejection, applicant respectfully requests an indication of where the features set forth in claims 36-47 are disclosed in Gagnon and/or Steffens. As some examples, applicant requests an explanation of where a rigid member having a first end positioned at an angle relative to a second is disclosed; where an electrical connection mounted directly to the rigid member adjacent to the seat belt force sensor is disclosed; where a rigid member having a neck portion with a width that is less than the width of the first and second ends is disclosed; etc.

Applicant believes that all claims are in condition for allowance and respectfully requests an indication of such. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

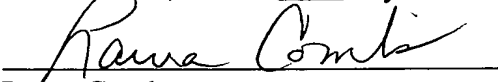


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CERTIFICATE OF MAIL

I hereby certify that the enclosed Response is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10 day of March, 2005.



Laura Combs